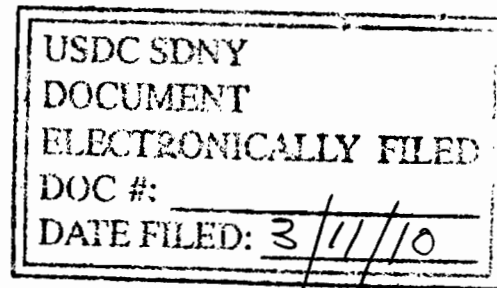


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



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**IN RE: METHYL TERTIARY BUTYL
ETHER ("MTBE") PRODUCTS
LIABILITY LITIGATION**
----- X

**CASE MANAGEMENT
ORDER #60**

This document relates to:

**Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88**

All Cases
----- X

SHIRA A. SCHEINDLIN, U.S.D.J.:

This Order memorializes the rulings made during the status conference held on March 4, 2010.

1. *City of Riverside, Quincy Community Services District, City of Fresno, California-American Water Co., Silver, Machin, and City of Merced Redevelopment Agency:*

- A. In cases where the Plaintiffs have not identified sources of alleged MTBE contamination, they shall do so by no later than April 5, 2010.
- B. In each case, the parties shall submit a joint proposed scheduling order to the Court by no later than April 5, 2010.

2. *Yosemite Springs, City of Pomona, and Village of Roanoke:*

- A. In cases where the Plaintiffs have not identified sources of alleged MTBE contamination, they shall do so by no later than April 30, 2010.


- B. In each case, the parties shall submit a joint proposed scheduling order to the Court by no later than April 5, 2010.
2. *New Jersey:*
- A. The parties shall select forty (40) sites in total for full discovery. Each party shall select twenty (20) sites by no later than August 1, 2010. Plaintiffs shall select ten (10) receptor sites (*e.g.*, a well or a small group of closely related wells) and ten (10) release sites (*e.g.*, a gas station). The receptor sites may include multiple release sites.
 - B. After the parties take full discovery, which may include depositions, on the forty (40) “Discovery” sites, the parties shall select sites for trial based on what they have learned. Each side will select ten (10) sites by no later January 1, 2011 for a total of twenty (20) “Trial” sites.
3. *Puerto Rico:* The parties are directed to be ready to discuss a discovery schedule and picking sites for discovery and trial by the next status conference.
4. *Orange County Water District:*
- A. Each focus plume may contain a small number of closely related wells. Accordingly, OCWD is not required to drop any wells from its focus plumes.

- B. The issue is whether each release site identified as part of a focus plume contributed to contamination of the wells associated with that plume. If OCWD provides no proof that a particular release site contributed to such contamination, and OCWD will not drop the release site from that focus plume, then defendants may file a motion for partial summary judgement on that site.
5. *Incorporated Village of Mineola, West Hempstead Water District, Carle Place Water District, Town of Southampton, Village of Hempstead, Town of East Hampton, Westbury Water District:*
- A. Defendant Bartco is granted leave to make its motion for summary judgement in the *West Hempstead* case. The motion shall be made by no later than April 15, 2010. Plaintiff's opposition is due May 13, 2010. Defendant Bartco's reply is due May 27, 2010.
- B. The remaining parties – plaintiffs and the Bartco and Tartan defendants – shall jointly propose a discovery schedule by no later than April 5, 2010. Discovery shall be completed by October 1, 2010. At defendants' request, the parties are directed to bring any discovery disputes to the attention of the Court rather than to Special Master Warner.
- C. Defendants shall have until April 1, 2010 to amend their answer.

D. Defendants shall answer outstanding discovery requests by no later than April 5, 2010.

6. The next all-cases status conference is scheduled for April 14, 2010 at 4:30 p.m.

SO ORDERED:


Shira A. Scheindlin
U.S.D.J.

Dated:

New York, New York
March 9, 2010

-Appearances-

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